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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,462

02/10/2004

Patrick B. Usoro

GP-304042

1343

7590

09/07/2005

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EXAMINER

LEWIS, TISHA D

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,462	<b>Applicant(s)</b> USORO ET AL.	
	<b>Examiner</b> TISHA D. LEWIS	<b>Art Unit</b> 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

*MC*

### **DETAILED ACTION**

The following is a first action on the merits of application serial no. 10/775,462 filed on February 10, 2004.

#### ***Information Disclosure Statement***

The information disclosure statement filed on February 10, 2004 has been considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaus ('925). Gaus discloses a transmission having an input shaft (3), an output shaft (12), a first (8, 18), second (11) and third (14) planetary gear sets having first, second and third members, the input shaft being continuously connected to a member (6) of the gear sets, the output shaft being continuously connected to a member (20-22) of the gear sets, a first continuous connection between the first member (15) of the first gear set and the first member (16) of the second gearset, a second continuous connection between the second member (20) of the first gear set and a first member (22) of the third gear set, a third continuous connection between the second member (25) of the second gear set and a second member (26) of the third gear set and seven torque

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transmitting mechanisms (Figure 2) being engaged in combinations of two to establish at least eight forward speed ratios and one reverse.

A first torque mechanism (B2) interconnecting a member (15) of the first gear set with a stationary member.

A second torque mechanism (B1) interconnecting a member (25) of the second gear set with a stationary member.

A third torque mechanism (BN/R) interconnecting a member (29) of the third gear set with a stationary member.

The gear sets have single pinion carriers.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 8 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziemer ('980). Ziemer discloses a transmission having an input shaft (1), an output shaft (2), first (RS1), second (RSA) and third (RSB, RS4, RS3) planetary gear sets having first, second and third members, the input shaft being continuously connected to a member (11) of the gear sets, the output shaft being continuously connected to a member (35) of the gear sets, a first continuous connection between the first member (15) of the first gear set and the first member (25a) of the second gearset, a second continuous connection between the second member (13) of the first gear set and a first member (21b) of the third gear set, a third continuous connection between the second member (23a) of the second gear set and a second member (23b) of the third gear set

and seven torque transmitting mechanisms (A-G) being engaged in combinations of two to establish at least eight forward speed ratios and one reverse.

A second torque mechanism (C) interconnecting a member (43) of the second gear set with a stationary member.

A fourth torque mechanism (A) interconnecting a member (11) of the first gear set with a member (41) of the third gear set.

A fifth torque mechanism (B) interconnecting a member (21a) of the second gear set with a member (43) of the third gear set.

A sixth torque mechanism (D) interconnecting a member (23a) of the second gear set with a member (45) of the third gear set.

A seventh torque mechanism (E) interconnecting a member (11) of the first gear set with a member (45) of the third gear set.

The planet carriers are single and double carriers.

### ***Double Patenting***

Claims 6, 7, 8, 14 and 15 of this application conflict with claims 5, 6, 7, 13 and 14 of Application No. 10/775,437. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

***Allowable Subject Matter***

Claims 1-5 are allowed.

**FACSIMILE TRANSMISSION**

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 872-9326 before final and 703-872-9327 after final**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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Typed or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Ziemer ('716), Miyazaki et al ('178), Lee et al ('823), Hayabuchi et al ('018), Klemen ('670) and ('776), Peterson ('282), Hiraiwa ('439), Ott et al ('031) and Lepelletier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Tdl

August 31, 2005

  
TISHA LEWIS  
PRIMARY EXAMINER  
AU 3681 8/31/05